



Federal Aviation Administration
Office Of The Chief Counsel
Office Of Dispute Resolution For Acquisition (ODRA)

PROTESTER/CONTRACTOR: _____

CONTRACT/SIR No.: _____

ODRA Docket No.: _____

**APPLICATION FOR ACCESS TO MATERIALS
UNDER PROTECTIVE ORDER
FOR INDEPENDENT CONSULTANT**

1. I, _____ hereby apply for access to protected materials covered by the protective order issued in connection with the above-referenced ODRA Docket No. (hereinafter the "proceeding").

2. I am an independent consultant with the firm of _____, and have been retained by _____ to assist it in representing _____ ("_____"), a party to this proceeding.

3. My professional relationship with the party for whom I have been retained and its personnel is strictly as a consultant on issues relevant to the proceeding. Neither I, my spouse, nor any member of my immediate family hold office or a management position in any company that is a party in this proceeding, or in any competitor or potential competitor of a party.

4. I hereby certify that I am not involved in competitive decisionmaking as discussed in US Steel Corp. v. United States, 730 F.2d 1465 (Fed. Cir. 1984), for or on behalf of the party I represent, any entity that is an interested party to this proceeding, or any other firm that might gain a competitive advantage from access to the material disclosed under the protective order. I do not provide advice or participate in any decisions of such parties in matters involving similar or corresponding information about a competitor. This means that I do not, for example, provide advice concerning or participate in decisions about marketing or advertising strategies, product research and development, product design or competitive structuring and composition of bids, offers, or proposals with respect to which the use of protected material could provide a competitive advantage.

5. I attach hereto the following information:

- a current resume detailing my education and employment experience to date;

- a list of all clients for whom I have performed work within the 2 years prior to the date of this application, and a brief description of the work performed;
- a list of all clients for whom my employer has performed work within the 2 years prior to the date of this application and for whom the use of protected material could provide a competitive advantage, and a brief description of the work performed;
- a statement of the services I am expected to perform in connection with this proceeding;
- a description of the financial interests that I, my spouse, and/or my family has in any entity that is an interested party in this proceeding or whose protected material will be reviewed; if none, I have so stated;
- a statement of the professional associations to which I belong, including membership numbers.

6. I identify here (by writing "none" or listing names and relevant circumstances) those persons in my firm who, to the best of my knowledge, cannot make the representations set forth in the preceding paragraph (Attach additional pages for this and the following question, if needed.):

7. I identify here (by writing "none" or identifying the name of the forum, case number, date, and circumstances) instances in which I have been denied admission to a protective order, or had admission revoked, or been found to have violated a protective order issued by an administrative or judicial tribunal:

8. I identify here (by writing "none" or listing the protest name and file number) any pending application for admission to a protective order issued by the FAA Office of Dispute Resolution for Acquisition:

9. I hereby agree, in consideration for my admission under the protective order, that, for a period of 2 years from the date this application is granted, I will not engage or assist in the preparation of a proposal to be submitted to any agency of the United States for **[describe the type of procurement that is the subject of the proceeding]**, where I know or have reason to know that any party to the proceeding, or any successor entity, will be a competitor, subcontractor, or teaming member.

10. I have read a copy of the protective order issued by the FAA Office of Dispute Resolution for Acquisition ("ODRA") relating to this proceeding, and I will comply in all respects with all terms and conditions of that protective order and with the terms and conditions of any ODRA order admitting me to the protective order. I will not disclose any protected material to any individual other than those admitted by the ODRA under the protective order.

11. I acknowledge that any violation of the terms of the protective order will make any certification made hereunder a fraudulent statement subject to 18 U.S.C. § 1001, and may result in the ODRA referring this application to the appropriate United States Attorney for disposition, and the FAA Office of Dispute Resolution for Acquisition exercising other retaliatory measures,

including but not limited to referral of the violation to appropriate professional associations or other disciplinary bodies, and restricting my participation in future matters before the ODRA. I further acknowledge that a party whose protected information is improperly disclosed shall be entitled to all remedies under law or equity, including breach of contract.

12. I understand that should I be admitted to the protective order, such admission will not qualify me to testify or otherwise provide evidence as an expert witness in the proceeding and that any such qualification, if requested, will be determined separately by the ODRA.

CERTIFICATION

By my signature, I certify that, to the best of my knowledge, the representations set forth above (including any attached statements) are true and correct.

Signature: _____

Typed Name and Title: _____

Name of Firm: _____

Date Executed: _____

ATTORNEY'S CERTIFICATION

The consultant named above has been retained by me to assist in the representation of _____ in this proceeding and will perform his/her duties in connection with the proceeding under my direction and control.

Signature: _____

Typed Name and Title: _____

Name of Firm: _____

Date Executed: _____